

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

In re:

No. 00-12712
Chapter 7

MARY GREEN HARTMAN

Debtor(s)

ORDER

Dale F. Cook has removed to this court a case pending against him in the General Sessions Court of Hamilton County, Tennessee. The case appears to be a suit by the debtor's son, acting on behalf of the debtor, to recover property that allegedly belongs to the debtor. According to Mr. Cook's notice of removal, the case should be in the bankruptcy court because it involves property of the debtor.

The bankruptcy trustee has abandoned the property so that it is no longer property of the bankruptcy estate. 11 U.S.C. § 554; Trustee's Report of Abandoned Property and Report of No Distribution, Docket No. 18-1, July 30, 2000. The court does not see any way in which this dispute can affect the debtor's bankruptcy case. It will not add to or subtract from the bankruptcy estate. It will not affect the debtor's rights, duties, or liabilities under bankruptcy law.

The court has the power to remand a removed case on any equitable ground. 28 U.S.C. § 1452(b). Equitable grounds include the irrelevance of the dispute to administration of the bankruptcy case. See, e.g., *Landry v. Exxon Pipeline Co.*, 260 B.R. 769 (Bankr. M. D. La. 2001); *Pincus v. Outlet Co. (In re United Department Stores, Inc.)*, 34 B.R. 33 (Bankr. S. D. N. Y. 1983). The court can remand a removed case on its own initiative, without the filing of a motion for remand by an interested party. See, e.g., *Texas Gulf Trawling Co. v. RCA Trawlers*

& Supply, Inc. (In re Ciclon Negro, Inc.), 260 B.R. 832 (Bankr. S. D. Tex. 2001); *Arkansas Department of Human Services Division of Medical Services v. Black & White Cab Co. (In re Black & White Cab Co.)*, 202 B.R. 977 (Bankr. E. D. Ark. 1996). The court's exclusive jurisdiction of the debtor's property does not prevent it from allowing a case concerning the debtor's property to proceed in another court. 28 U.S.C. § 1334(e); *Thompson v. Magnolia Petroleum Co.*, 309 U.S. 478, 60 S.Ct. 628, 84 L.Ed. 876 (1940); *White v. White (In re White)*, 851 F.2d 170 (6th Cir. 1980) (stay lifted); *In re Med General, Inc.*, 672 F.2d 716 (8th Cir. 1982) (abstention); *Family Savings & Loan Association v. Calabria (In re Calabria)*, 5 B.R. 73 (Bankr. D. Conn. 1980) (remand). Accordingly,

It is ORDERED that Detinue No. 01gs11283 removed to this court by Dale F. Cook is remanded to the General Sessions Court of Hamilton County, Tennessee.

It is FURTHER ORDERED that Mr. Cook's Motion For Joinder of Party and his Motion For More Definite Statement, both filed on October 9, 2001, are DENIED as moot since the proceeding has been remanded to the state court.

ENTER:

BY THE COURT

R. THOMAS STINNETT
UNITED STATES BANKRUPTCY JUDGE